

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES RAY WILEY,

Plaintiff,

No. CIV S-04-1922 MCE KJM P

vs.

CHERYL PLILER, et al.,

Defendants.

ORDER

On December 14, 2005, this court issued an order to show cause, directing defendants Pliler, Wooten and Narramore to show cause why a default judgment should not be entered.

On January 10, 2006, counsel for defendants filed a response to the order to show cause and a request for permission to file a late motion to dismiss, along with the motion to dismiss.

Good cause appearing, IT IS HEREBY ORDERED:

1. The order to show cause issued December 14, 2005 is hereby discharged.
2. Plaintiff's November 18, 2005 motion for a judgment on the pleadings and his December 9, 2005 motion for entry of a default judgment are denied.
3. Defendants' request for permission to file a late motion to dismiss is granted.

1 4. Plaintiff is given thirty days from the filed date of this order in which to file his
2 opposition or statement of non-opposition to defendants' motion to dismiss. Defendants' reply,
3 if any, shall be filed fifteen days after the opposition is filed.

4 DATED: January 13, 2006.

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8 UNITED STATES MAGISTRATE JUDGE
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